

WHITEFORD, TAYLOR & PRESTON LLP  
220 White Plains Road, Second Floor  
Tarrytown, NY 10591  
(914) 761-8400  
[klewis@wtplaw.com](mailto:klewis@wtplaw.com)  
Kenneth M. Lewis

*Proposed Attorneys for the Debtors  
and Debtors in Possession*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

Prince Bakery, Inc.,

Debtor.  
-----X

Chapter 11

Case No. 21-10252-scc

In re:

Prince Bakery SA, Inc.,

Debtor.  
-----X

Chapter 11

Case No. 21-10254-scc

In re:

Blue Spruce Corporation,

Debtor.  
-----X

Chapter 11

Case No. 21-10255-scc

**DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING  
JOINT ADMINISTRATION OF THE DEBTORS' CHAPTER 11 CASES**

Prince Bakery, Inc. ("Prince"), Prince Bakery SA, Inc. ("Prince Bakery SA") and Blue Spruce Corporation ("Blue Spruce", and together with Prince and Prince Bakery SA, the "Debtors"), as debtors and debtors in possession in the above-captioned chapter 11 cases, respectfully request the entry of an order, substantially in the form annexed hereto as Exhibit A, pursuant to Rule 1015 of the Federal Rules of Bankruptcy Procedure, authorizing the joint administration of the Debtors' chapter 11 cases.

### **BACKGROUND**

1. On the date hereof (the “Commencement Date”), each of the Debtors commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtors are authorized to continue to operate their business and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors elected to be treated as a Small Business Debtor as that term is defined under section 101(51D) of the Bankruptcy Code. No trustee, examiner, or statutory committee of creditors has been appointed in these chapter 11 cases.

2. Information regarding the Debtors’ business and the circumstances leading to the commencement of these chapter 11 cases is set forth in the *Declaration of Anthony M. Rusciano Pursuant to Rule 1007-2 of the Local Bankruptcy Rules For the Southern District of New York*, and is incorporated herein by reference.

### **JURISDICTION**

3. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334, and the Amended Standing Order of Reference M-431, dated January 31, 2012 (Preska, C.J.). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### **RELIEF REQUESTED**

4. By this Motion, the Debtors request entry of an order authorizing the joint administration of these chapter 11 cases for procedural purposes only pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure. In addition, the Debtors request that the Court maintain one file and one docket for all of the jointly administered cases under the case number assigned to Prince, and that these chapter 11 cases be jointly administered under the following consolidated caption:

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

Prince Bakery, Inc., *et al.*,

Debtors.

Chapter 11

Case No. 21-10252-scc

(Jointly Administered)  
-----X

5. The Debtors further request the Court's direction that a notation substantially similar to the following language be entered on the docket maintained by the Clerk of the Court to reflect the joint administration of the Debtors' chapter 11 cases:

An Order has been entered in accordance with Rule 1015(b) of the Bankruptcy Rules directing the procedural consolidation and joint administration of the chapter 11 cases of Prince Bakery, Inc.; Prince Bakery SA, Inc.; and Blue Spruce Corporation. The docket in Case No. 21-10252-scc should be consulted for all matters affecting the above listed cases."

6. Bankruptcy Rule 1015(b) provides that "[i]f ... two or more petitions are pending in the same court by or against ... a debtor and an affiliate, the court may order a joint administration of the estates." Fed. R. Bankr. P. 1015(b). The Debtors are "affiliates" as defined in section 101(2) of the Bankruptcy Code. 11 U.S.C. § 101(2). Specifically, Anthony M. Rusciano is the Chairman of the Board and President of all three Debtors, Mr. Rusciano owns all of the shares of stock of Prince Bakery SA, and Constance Koeper and Frances Rusciano each own 50% of the shares of stock of Prince and Blue Spruce.

7. Joint administration permits the usage of a single general docket for each of the Debtors' cases and combined notices to creditors of each of the Debtors' estates and other parties-in-interest. Accordingly, joint administration obviates the need for duplicative notices, motions, applications and orders, thereby saving considerable time and expense for the Debtors and their estates and promoting the fair and efficient administration of the Debtors' chapter 11 cases.

Supervision of the administrative aspects of the chapter 11 cases by the Office of the United States Trustee will also be simplified.

8. The rights of the respective creditors of each of the Debtors will not be adversely affected by joint administration of these chapter 11 cases inasmuch as the relief sought herein is purely procedural and is in no way intended to affect substantive rights. Each creditor and other party in interest will maintain whatever rights it has against the particular estate against which it allegedly has a claim or right. Moreover, individual creditors will benefit from the cost reductions joint administration will achieve.

9. Accordingly, the Debtors respectfully submit that joint administration, for procedural purposes only, is in the best interest of the Debtors, their creditors and other parties-in-interest.

10. No previous request for the relief sought herein has been made by the Debtors to this or any other Court.

WHEREFORE, the Debtors respectfully request entry of an order, substantially in form annexed as Exhibit A, authorizing the joint administration of the Debtors' cases, and granting the Debtors such other and further relief as is just and proper.

Dated: Tarrytown, New York  
February 9, 2021

WHITEFORD, TAYLOR & PRESTON LLP

By: /s/ Kenneth M. Lewis  
Kenneth M. Lewis

220 White Plains Road, Second Floor  
Tarrytown, NY 10591  
(914) 761-8400  
[klewis@wtplaw.com](mailto:klewis@wtplaw.com)

*Proposed Attorneys for the Debtors  
and Debtors in Possession*